

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE

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THOMAS W. GOLD
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE

Travis Farris,
Plaintiff

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Portfolio Recovery Associates, LLC,
Defendant

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COMPLAINT

Plaintiff, Travis Farris, individually, hereby sues Defendant, Portfolio Recovery Associates, LLC of 140 Corporate Boulevard, Norfolk, VA 23502-4952 for violations of the Telephone Consumer Protection Act (TCPA) Sec. 227., 47 U.S.C. § 227 (B), violations of the Fair Credit Reporting Act (FCRA) 15 U.S.C. §1681 *et seq.*, and violation of the Fair Debt Collection Practices Act (FDCPA) 15 U.S.C. §1692.

PELIMINARY STATEMENT

1. This is an action for damages and injunctive relief brought by Plaintiff against Defendant for violations of Telephone Consumer Protection Act (TCPA) Sec. 227., 47 U.S.C. § 227 (B), violations of the Fair Credit Reporting Act (FCRA) 15 U.S.C. §1681 *et seq.*, and violations of the Fair Debt Collection Practices Act (FDCPA) 15 U.S.C. §1692.

2. Plaintiff contends that the Defendant has violated such laws by repeatedly harassing the Plaintiff in attempts to collect alleged but nonexistent debt.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises under 47 U.S.C. §227(b)(3), 15 U.S.C. §1681p, 15 U.S.C. §1692k(d), and supplemental jurisdiction exists for the state law claims pursuant to 28 U.S.C. §1367.

4. Venue is proper pursuant to 28 U.S.C. 1391b. Venue in this District is proper in that the Plaintiff resides here, the Defendant transacts business here, and the conduct complained of occurred here.

5. This is an action for damages which exceeds \$15,000.00.

PARTIES

6. Plaintiff, Travis Farris, is a natural person and is a resident of the State of Tennessee.

7. Upon information and belief Defendant, Portfolio Recovery Associates, LLC is a foreign corporation, authorized to do business in Tennessee.

8. Upon information and belief Defendant, Portfolio Recovery Associates, LLC is a Tennessee corporation, authorized to do business in Tennessee.

FACTUAL ALLEGATIONS

9. From September 12 through November 1, 2014, Defendant violated the TCPA by calling Plaintiff's residential line 11 times with no prior permission given by Plaintiff.

10. On July 1, 2014, Defendant violated the FCRA by initiating a soft pull of Plaintiff's credit report from Transunion without permissible purpose.

11. Defendant violated the FDCPA by continuing collection efforts after debt validation was submitted to Defendant.

**COUNT I
VIOLATION OF THE TELEPHONE
CONSUMER PROTECTION ACT (TCPA), 47 U.S.C. §227**

12. Plaintiff alleges and incorporates the information in paragraphs 1 through 11.

13. Plaintiff's home phone number has been listed with the National Do Not Call Registry since September 28, 2013.

14. Defendant Portfolio Recovery Associates, LLC has demonstrated willful or knowing non-compliance with 47 U.S.C. §227(b)(1)(B) by using an artificial or prerecorded voice to deliver a message without prior express consent, which is assigned to a residential telephone service.

15. Defendant, Portfolio Recovery Associates, LLC has committed 11 separate violations of 47 U.S.C. §227(b)(1)(B) and Plaintiff is entitled to damages of \$1500 per violation pursuant to 47 U.S.C. §227(b)(3)(B).

16. Defendant, Portfolio Recovery Associates, LLC has demonstrated willful or knowing non-compliance with 47 U.S.C. §227(b)(1)(B) as the last 11 calls are subject to treble damages pursuant to 47 U.S.C. §227(b)(3) as they were intentional. An intentional call carries a damage amount of \$1,500 per violation, pursuant to 47 U.S.C. §227(b)(3)(B).

17. Defendant, Portfolio Recovery Associates, LLC has displayed willful or knowing non-compliance with 47 U.S.C. §227(b)(1)(B) by calling the Plaintiff's number, which is a residential line. The Plaintiff has never given Portfolio Recovery Associates, LLC permission to call Plaintiff's residential line. Plaintiff is entitled to damages of \$1500 per violation pursuant to

47 U.S.C. §227(b)(3)(B). Plaintiff and Portfolio Recovery Associates do not have an established business relationship within the meaning 47 U.S.C. §227.

WHEREFORE, Plaintiff demands judgment for damages in the amount of \$16,500 against Portfolio Recovery Associates, LLC for actual or statutory damages and punitive damages, attorney's fees and costs, pursuant to 47 U.S.C. §227(b)(3)(B).

COUNT II
VIOLATION OF THE FAIR CREDIT REPORTING ACT
(FCRA), 15 U.S.C. §1681 WILLFUL NONCOMPLIANCE

18. Plaintiff alleges and incorporates the information in paragraphs 1 through 17.

19. Plaintiff is a consumer within the meaning of the FCRA, 15 U.S.C. §1681a(c).

20. Portfolio Recovery Associates, LLC is a furnisher of information within the meaning of the FCRA, 15 U.S.C. §1681s-2.

21. Portfolio Recovery Associates, LLC willfully violated 15 U.S.C. §1681b(f) by obtaining Plaintiff's credit report without permissible purpose as defined by 15 U.S.C. §1681b.

WHEREFORE, Plaintiff demands judgment for damages in the amount of \$1000 against Portfolio Recovery Associates, LLC for actual or statutory damages, and punitive damages, attorney's fees and costs, pursuant to 15 U.S.C. §1681n(a)(3).

COUNT III
VIOLATION OF THE FAIR CREDIT REPORTING ACT
(FCRA), 15 U.S.C. §1681 NEGLIGENT NONCOMPLIANCE

22. Plaintiff alleges and incorporates the information in paragraphs 1 through 21.

23. Plaintiff is a consumer within the meaning of the FCRA, 15 U.S.C. §1681a(c).

24. Portfolio Recovery Associates, LLC is a furnisher of information within the meaning of the FCRA, 15 U.S.C. §1681s-2.

25. Portfolio Recovery Associates, LLC negligently violated 15 U.S.C. §1681b(f) by obtaining Plaintiff's credit report without permissible purpose as defined by 15 U.S.C. §1681b.

WHEREFORE, Plaintiff demands judgment for damages in the amount of \$1000 against Portfolio Recovery Associates, LLC for actual or statutory damages, and punitive damages, attorney's fees and costs, pursuant to 15 U.S.C. §1681o(a).

**COUNT IV
VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT
(FDCPA), 15 U.S.C. §1692**

26. Plaintiff alleges and incorporates the information in paragraphs 1 – 25.

27. Portfolio Recovery Associates, LLC violated 15 U.S.C. §1692g(b) by continuing collection efforts after a debt validation letter was mailed on September 5, 2014.

WHEREFORE, Plaintiff demands judgment for damages in the amount of \$1000 against Portfolio Recovery Associates, LLC for actual or statutory damages, and punitive damages, attorney's fees and costs, pursuant to 15 U.S.C. §1692k(a)(2).

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of all issues so triable as a matter of law

Respectfully submitted this 26th of November, 2014



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